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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,668	05/14/2001	Sung Jin Park	P-216	6826

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,668

Applicant(s)

PARK

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 19-23, 29-31, 38-42, 48 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18, 24-28, 32-37 and 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species of Figure 2A in Paper No. 4 is acknowledged. The traversal is on the ground(s) that Figure 2A-2E do not show different species because no mutual exclusive features are shown in the Figures. This is not found persuasive because Figure 2A disclosed on page 9 and page 10, lines 1-12 of the specification does not has feature "CPU usage greater than reference value" as described in Figure 2B nor feature "key words" in Figure 2C nor feature "modem" in Figure 2F. Claims 1-13, 19-23, 29-31, 38-442, 48-49 are withdrawn from the consideration because these claims do not read on the Species of Figure 2A. For example, Figure 2A does not disclose the step of "determining central processing unit usage" as recited in claim 1 nor "the central processing unit activity falls below a minimum threshold" recited in claims 13 and 31. These claims read on species of Figure 2B disclosed on page 10 line13 through page 11.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-17, 24-28, 32-36 and 43-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Hetzler (U.S. Patent No. 5,954,820).

As to claim 14, Hetzler discloses a computer readable medium having stored thereon a sequence of instructions which, when executed by a processor, cause the processor to perform the steps of monitoring a system for a certain display related processes, maintaining the brightness of the display if the certain display related processes are running (backlight is turned on when a user is viewing the display) and reducing the brightness of a display if the certain display related processes are not running (backlight 13 is turned off when a user is not viewing the display); see column 3, lines 2-9 and column 5, lines 13-50.

While this is unlike Applicant's disclosed device it reads on the broad claimed language.

As to claim 33, this claim differs from claim 14 only in that claim 33 deletes the limitation computer-readable medium recited in preamble of claim 14. Thus, claim 33 is analyzed as previously discussed with respect to claim 14 above since claim 33 is broader than claim 14.

As to claim 32, this claim differs from claim 14 and 33 above only in that claim 32 is apparatus whereas claims 14 and 33 are method. Thus, apparatus claim 32 is analyzed as previously discussed with respect to method claims 14 and 33 above.

As to claims 15 and 34, Hetzler clearly teaches system being a computer (portable computer 41).

As to claims 16 and 35, Hetzler teaches a liquid crystal display screen (11).

As to claims 17 and 36, Hetzler clearly teaches monitoring for user input signal (i.e. keyboard activity); see column 3, lines 2-9.

As to claims 24 and 43, Hetzler teaches the monitoring step including determining whether a video process related device is in use ; see column 6, lines 17-64.

As to claims 25-26, 28 and 43-45, 47, Hetzler teaches the use DVD; see column 6, lines 17-18. It is known in the art that DVD could be either a readable and writeable memory and a read only memory.

As to claims 27 and 46, Hetzler clearly teaches a CD-ROM; see column 6, lines 17-18.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetzler in view of Zenda (U.S. Patent No. 5,386,577).

As to claims 18 and 37, note the discussion of Hetzler above, Hetzler does not mention the step of determining whether the system is powered by an internal power

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source. Zenda teaches that " in response to the low battery state, a luminance control signal having a minimum luminance value is supplied to the flat panel display. When the personal computer is driven by the AC adapter, a luminance control signal having a maximum luminance value is supplied to the flat panel display"; see column 6, line 36 through column 7, line 6. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the step detecting the system being powered by an internal source (battery) to the power control of Hetzler so as to avoid the battery operation time being shortened more than necessary (see column 3, lines 35-45).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.


C. Nguyen
September 7, 2003


CHANH NGUYEN
PRIMARY EXAMINER